

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**UNITED STATES OF AMERICA** )  
 )  
 v. ) Case No.: 3:06cr98-WHA  
 )  
**JOE HAMLIN** )

**MOTION TO EXTEND TIME FOR FILING PRETRIAL MOTIONS**

**COMES NOW** the Defendant, Joe Hamlin, by and through his undersigned counsel, Jennifer A. Hart, and respectfully moves this Court for an Order extending the time in which to file pretrial motions in this case. As grounds for granting this Motion, Defendant would show the following:

1. On April 5, 2006, Joe Hamlin was indicted on one count of possession of child pornography, in violation of, 18 U.S.C. § 2252 A(a)(5)(B).
2. On May 17, 2006, Mr. Hamlin appeared in Court with Assistant Federal Defender Kevin Butler and entered a plea of not guilty to the charge. The Government provided initial discovery on that same date.
3. In an *Order on Arraignment* filed May 24, 2006, this Court set a deadline for filing pretrial motions of August 18, 2006. However, this deadline was subsequently changed to August 16, 2006 by Order of this Court dated July 24, 2006. That Order also changed the date of the pretrial conference in this case from August 18, 2006 to August 16, 2006.
4. Through an error caused solely by the Federal Defender Office, the original deadline filing date of August 18, 2006, remained on its interoffice calendar, and no pretrial motions were filed by the August 16, 2006 deadline.

5. Discovery in this case, however is not yet complete. Specifically, the Government has not provided any documentation concerning any analysis performed on either of the 2 computers seized by the Randolph County Sheriffs Office who investigated this case back in 2003. Nor have arrangements been made for the Defense to review any physical evidence in possession of the Government.

6. Attempts to reach counsel for the Government on August 14, 15 and 16 to resolve this matter were unsuccessful.

7. Mr. Hamlin believes that a *Motion to Dismiss the Indictment* may be warranted in this case. This belief is based not only on the discovery provided by the Government, but also based on independent investigation of this case conducted by the Federal Defender Office. However, review of additional discovery may very well resolve this matter without the need for an evidentiary hearing or the filing of any motion.

**WHEREFORE**, for the foregoing reasons, the Defendant respectfully requests that the deadline for filing pretrial motions be extended to a date following the examination of all discoverable evidence within the Government's possession.

Dated this 16<sup>th</sup> day of August 2006.

Respectfully submitted,

s/Jennifer A. Hart  
**JENNIFER A. HART**  
FEDERAL DEFENDERS  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 16, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Susan Redmond, Esq., Assistant U. S. Attorney, One Court Square, Suite 201, Montgomery, Alabama 36104.

Respectfully submitted,

s/Jennifer A. Hart  
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